

1 MELINDA HAAG (CABN 132612)
United States Attorney
2
3 DAVID R. CALLAWAY (CABN 121782)
Chief, Criminal Division
4
5 TIMOTHY J. LUCEY (CABN 172332)
Assistant United States Attorney
6
7 150 Almaden Boulevard, Suite 900
San Jose, California 95113
Telephone: (408) 535-5061
FAX: (408) 535-5066
Timothy.lucey@usdoj.gov
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Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,) No. CR 14 – 0567 RMW
Plaintiff,) STIPULATION AND [PROPOSED] ORDER
v.) SAN JOSE VENUE
ROBERT GARY TOLTZIS,)
Defendant.)
)

WHEREAS, the Court has set a status and setting hearing for Monday, June 29, 2015, at 9:00 a.m. before the Honorable Ronald M. Whyte;

WHEREAS, the defense is continuing to review the discovery provided by the United States pursuant to the terms of the Protective Order entered by this Court as well as to investigate the matters alleged in the Indictment, in order to effectively prepare;

WHEREAS, the parties believe that a short continuance of four weeks will allow the parties sufficient time to assess the time needed for additional discovery and investigation relative to the setting of dates for any motions as well as a trial of this action;

STIPULATION AND [PROPOSED] ORDER

1 WHEREAS, the parties understand that **Monday, July 27, 2015, at 9:00 a.m.**, is an available
2 date on this Court's calendar;

3 THEREFORE, the parties mutually request and stipulate that the status and setting hearing in
4 this matter be continued to **Monday, July 27, 2015, at 9:00 a.m.**, and further jointly stipulate and agree
5 that time should be excluded from June 29, 2015, up to and including July 27, 2015. The parties agree
6 that excluding time until July 27, 2015, is necessary, given the need for effective preparation of counsel.

7 The parties also agree that failing to grant a continuance would deny counsel for the defense the
8 reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

9 *See* 18 U.S.C. § 3161(h)(7). Finally, the parties agree that the ends of justice served by excluding time
10 from June 29, 2015, until July 27, 2015, outweigh the best interest of the public and the defendant in a
11 speedy trial. *Id.*

12 **IT IS SO STIPULATED.**

13 DATED: June 22, 2015

Respectfully submitted,

14 MELINDA HAAG
15 United States Attorney

16 /s/
17 TIMOTHY J. LUCEY
18 Assistant United States Attorney

19 DATED: June 22, 2015

Respectfully submitted,

20 /s/
21 RICHARD POINTER
22 ALBIE JACHIMOWICZ
23 Attorneys for Defendant
24 RICHARD GARY TOLTZIS

25 **IT IS SO ORDERED.**

26 DATED: 1st 2015


27 HON. RONALD M. WHYTE
28 United States District Court